IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELWOOD SMALL,   :
                    Plaintiff   :
          v.   : Case No. 3:12-cv-83-KRG-KAP
JOHN WETZEL, Secretary,   :
Pennsylvania Department of   :
Corrections, et al.,   :
                    Defendants   :

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C.§ 636(b), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on December 30, 2013, docket no. 44, recommending that in accord with Fed.R.Civ.P. 56(f) summary judgment be entered in favor of the remaining defendants.

The parties were notified that, pursuant to 28 U.S.C.§ 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Plaintiff filed timely objections at docket no. 45, along with a motion at docket no. 46 seeking to reopen the dismissed claims for injunctive relief. The motion at docket no. 46 is meritless and is denied. The defendants filed a reply to the plaintiff's objections at docket no. 47, providing some additional factual material, including information about the relative numbers of Jewish and Muslim inmates.

After de novo review of the record, the Report and Recommendation, and the timely objections thereto, the following judgment order is entered:

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELWOOD SMALL,   :
                 Plaintiff   :
          v.   : Case No. 3:12-cv-83-KRG-KAP
JOHN WETZEL, Secretary,   :
Pennsylvania Department of   :
Corrections, et al.,   :
                 Defendants   :

JUDGMENT (see Fed.R.Civ.P. 58(b)(1)(C))

AND NOW, this **24th** day of January, 2014, it is

ORDERED that summary judgment is ordered in favor of the

remaining defendants. The Report and Recommendation is adopted as

the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Elwood A. Small AM-9183
S.C.I. Graterford
P.O. Box 244
Graterford, PA 19426-0246

2